



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 1523-99
31 May 2000

[REDACTED]

Dear Mr. McGhee:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 27 May 1981 at the age of 22. Your record reflects that you served for nearly a year without incident but on 29 April 1982 you received nonjudicial punishment (NJP) for a two day period of unauthorized absence (UA) and were awarded a reprimand. On 11 June 1982 you received NJP for failure to go to your appointed place of duty for urinalysis testing and failure to obey a lawful order. The punishment imposed was restriction and extra duty for 14 days and a \$150 forfeiture of pay.

On 4 August 1982 you were notified of pending administrative separation action by reason of unsuitability due to personal abuse of drugs. After consulting with legal counsel, you submitted a written statement requesting a honorable discharge. On 24 August 1982 you received a third NJP for disrespect and four specifications of failure to obey a lawful order. Subsequently, your commanding officer was directed to issue you a general discharge by reason of unsuitability due to personal drug use, and on 3 September 1982 you were so discharged.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.7. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded to honorable so that you may enroll in the National Guard. However, the Board concluded these factors were not sufficient to warrant a change in your discharge given the seriousness of your drug related misconduct, and since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director